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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/550,686	04/17/2000	Julia Hirschberg	2000-0026	1854

7590 10/19/2004

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EXAMINER

EDOUARD, PATRICK NESTOR

ART UNIT PAPER NUMBER

2654

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/550,686

Applicant(s)

HIRSCHBERG ET AL.

Examiner

Patrick N. Edouard

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,8-10 and 24 is/are pending in the application.
- 4a) Of the above claim(s) 2-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,8-10 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to communication filed 07/23/2004. Claims 1, 3-5, 8-10 and new claim 24 are pending. Claims 21-23 and 24 are withdrawn from consideration.
2. Newly submitted claims 21-23 and 25 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: these claims are directed to a method for identifying new speakers in a voice mail message for one or more subscribers classified in 704/246.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 21-23 and 25 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-5, 8-10 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein et al (6,327,343).

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As per claims 1 and 24, Epstein et al teach a method for indexing voice mail messages, comprising:

“Receiving one or more voice mail messages from one or more callers” (col. 6, lines 50-55);

“Processing speech signals from each of the voice mail message with one or more caller speaker models”(col. 7, lines 13-26);

“Determining the identity of each of the one or more callers in each of the one or more voice mail messages by comparing the speech signals form each of the voice mail messages with one or more caller speaker models” (col. 7, lines 22-26); and

“Tagging each of the voice mail messages with the respective identity of the caller for each respective voice mail message”(abstract, the system is able of tagging the identity of a caller, col. 5, lines 37-45, his identification tagger 30);

when the identify of the voice of the caller of a voice mail message cannot be determined; tagging that voice mail message as unknown” (col. 7, lines 55-61, if the identity of the caller ultimately cannot be identified, the user (voice mail subscriber) 12 may program the system trough the programming interface 38 to process the call based on the unknown caller; and the system may be programmed to store the name and originating telephone number of every caller at col. 8, lines 15-17.

It is noted that Epstein et al teach the claimed invention but does not explicitly teach receiving an identity of the unknown message caller from a voice mail subscriber receiving a speaker label from a voice mail subscriber. However, this feature is well known in the art as evidenced by Walsh et al who teach in figure 2 at col. 3, lines 27 to col. 4, line 42, the subscriber

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can tag the voice message of the caller using commands such as the "tag" command that marks the speech recognition template associated with the tagged message and saves the template. Therefore, one having ordinary skill in the art at the time the invention was made would have found it obvious to incorporate into Epstein the tag command as taught by Walsh et al because the system would treat any new message from the same caller in a special manner where the retrieving party could identify particular callers and provide special handling for subsequent calls from those particular callers.

As per claim 3, Epstein et al teach wherein the speaker label provided by the voice mail subscriber is used to create a storage folder for the specific speaker of the voice mail (col. 8, lines 7-21).

As per claim 4, wherein the speaker models are created from one or more voice mail messages left by the same caller (col. 7, lines 17-21, the previously speaker models are created from the voice mail messages, figure 3a, his voice process data 120).

As per claims 5, Epstein et al teach wherein the speaker models are created using acoustic features extracted from the voice mail (his voice process data 120 in figure 3a, col. 8, lines 1-14).

As per claim 9, Epstein et al teach wherein the step of determining the identity of the caller...using automatic number identification to assist in determining the caller's identity (col. 8, lines 8-14).

As per claim 10, Epstein et al teach using speech recognition techniques to extract caller identity ...(Col. 7, lines 16-23).

5. Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

Washington, D.C. 20231 or faxed to:

(703) 308-9051, (for formal communications intended for entry) Or:

(703) 305-9508 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 11, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick N. Edouard whose telephone number is (703) 308-6725. The examiner can normally be reached on Tuesday-Friday from 07:30 a.m.-6:00 p.m.

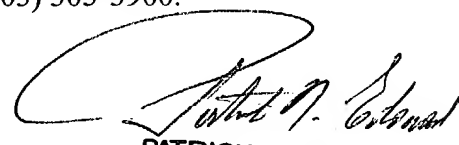
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (703) 305-9645.

The facsimile phone number for this Art Unit is (703) 305-9508. Alternatively, facsimile messages may be sent directly to (703) 305-9644 where they will be stored in the examiner's voice mailbox (telling the examiner that a fax was received) and be automatically printed (i.e. - no delay by the examiner).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Patrick N. Edouard

October 13, 2004



PATRICK N. EDOUARD
PRIMARY EXAMINER